

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- January 12, 1966

Appeal No. #8527 Mensh Corporation, Appellant.

The Zoning Administrator District of Columbia, Appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on January 18, 1966.

DATE OF ORDER -- February 25, 1966

ORDERED:

That the appeal to extend nonconforming existing delicatessen use into adjacent area as shown on floor plan, Exhibit No. 6, and to permit continuation of beauty shop (formerly operated as a home occupation) as a nonconforming use at 1629 Columbia Road, NW., be granted (unanimously) as to the extension of the nonconforming existing delicatessen use but denied (one member of the Board dissenting) as to the continuation of the beauty shop as a nonconforming use.

As a result of an inspection of the property by the Board and from the records and evidence adduced at the hearing, the Board finds the following facts:

(1) This application is filed in accordance with permission extended by this Board in BZA Appeal #8470, and the record in that appeal is incorporated in this proceeding insofar as it is applicable.

(2) As shown on the floor plan, Exhibit No. 6, no structural alterations are to be made and no other structure is involved in the extension of the nonconforming delicatessen use.

(3) The delicatessen use and its proposed extension constitute a neighborhood facility.

(4) The nonconforming delicatessen use will be located entirely within the building at the basement level and will provide service for the occupants of the building.

(5) An inspection of the neighborhood shows the character of Columbia Road highly urban, with substantial traffic and commercial activities thereon. To the east there is the park and 16th Street which will be unaffected by the operation. To the north there is Argonne Place and Harvard Street. Because of the difference in elevation and the location of the commercial adjuncts within the building well removed from the lot line, the proposed operation will not be seen by neighboring property owners.

(6) As shown by the floor plans in Exhibit No. 6, there will be no signs.

(7) There will be no noise, traffic, vibration or other objectionable external features which can be reasonably anticipated.

(8) No protective screen or similar device is required to protect neighboring property owners.

(9) The amount of parking and loading facilities complies with the Regulations although the building was originally erected prior to the Zoning Regulations requiring off-street parking. As part of the modernizing operation, a parking garage was erected to serve the building.

(10) The beauty shop was formerly operated as a home occupation.

(11) The beauty shop shown on Exhibit No. 6 is to be located wholly within the building, however, the clientel would not be limited to the residents of the building or immediate neighborhood.

(12) Opposition was filed and heard at the public hearing as to the extension of the delicatessen use and the continuation of the beauty shop use.

OPINION:

The Board is of the opinion that the delicatessen is a nonconforming use and further that to permit the expansion of this use will not adversely effect the neighborhood or impair the intent, purpose and integrity of the zoning plan.

The majority of the Board is also of the opinion that the beauty shop was operated as a home occupation and as such can not be expanded in the same manner as a nonconforming use. Therefore, regardless of the merits of the past or future operation of the business the Board does not have jurisdiction.